

REMARKS

ALLOWABLE CLAIMS

Applicants acknowledge with appreciation the allowance of claims 1, 3 and 27.

Claims 2, 4-8 and 22-25 were deemed allowable if rewritten or amended to avoid the § 112 rejections stated below. Claims 32 and 34 were deemed allowable if rewritten or amended to avoid the § 112 rejections and to include the limitations of base claim 28. These claims are hereby so rewritten, and thus claims 1-8, 22-25, 27, 32 and 34 are now believed to be in allowable form.

CLAIM REJECTIONS

1. Indefiniteness

Claims 2, 4-8, 11-25 and 29-34 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for the reasons stated in paragraph 2 of the Office action. All of these matters have been addressed by the above amendments such that the rejections are believed to be avoided.

2. Anticipation and Obviousness

Claims 10-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Werkmeister et al. (U.S. Pat. No. 5,346,299). Claims 17 and 20-21 were rejected as anticipated by Traulsen (U.S. Pat. No. 3,797,903) and claims 17-21 were rejected under § 102(e) as anticipated by Cooper et al. (U.S. Pat. No. 6,238,032). Claims 28-31 and 33 were rejected as anticipated by Arnold et al. (U.S. Pat. No. 5,496,104). Claims 10-16 were separately rejected under 35 U.S.C. § 103(a) as being obvious in view of Sedovic et al. (U.S. Pat. No. 5,370,455).

Claims 10-16

Regarding the rejections to claims 10-16, claim 10 is hereby amended to recite that either the shelf support mounts or the shelf mounts are tracks defining angled pathways having open-ended straight paths and closed paths angling from the straight paths. At least one of the tracks has an inwardly extending nib narrowing the associated pathway at the junction of the associated straight and angled paths so as to removably capture the associated shelf mount or shelf support mount in the closed end of the associated track.

One embodiment of the now recited invention is disclosed at paragraph 48 and Figures 21 and 24. In that embodiment, the tracks are formed in the door shelf to receive bosses on the inside of the door. One or both of the tracks have a small nib extending inwardly at the bend in the tracks. The nib narrows the pathway of the track to better capture the boss in the angled part of the track and thereby prevent inadvertent dislodging of the shelf from the door. The nib still allows enough space for the boss to fit through the tracks as the shelf is removed.

The invention as now claimed is not disclosed or suggested by either the Werkmeister et al. or Sedovic et al. references. First, the mating members (33 in Werkmeister et al. and 28 in Sedovic et al.) fit into pockets (59 in Werkmeister et al. and 42 in Sedovic et al.) rather than angled parts of a track. Second, the nib feature is not disclosed. The wall 52 in Werkmeister et al. and the surfaces 43 and 47 in Sedovic et al. do not correspond to the nib feature as claimed because they define the pockets themselves and are not located at a bend in the track.

Thus, claim 10 and its dependants are believed to now recite allowable subject matter.

Claims 17-21

Regarding the rejections to claims 17-21, claim 17 is hereby amended to recite that the recess in the first wall opens facing the second side wall, and that the shelf is removed from the rests by pivoting the shelf edge adjacent the recess upward toward the second side wall. This language is believed to better recite that

the shelf is removed by pivoting it side to side, as suggested in paragraphs 5 and 6 of the Office action, rather than front to back (the front being where the access opening to the cabinet is located) as in the cited references. The recess in the side wall adjacent one of the shelf rests opens in the direction of the other side wall to allow the shelf to pivot toward that other side wall, thereby making the side to side pivoting possible. Neither this side opening recess or the side to side pivoting is disclosed in the cited references.

As stated in applicants' prior response, this feature makes the refrigeration unit of the present invention more user friendly in that a shelf can be removed or repositioned without needing to be slid full-width out of the door opening, as is normally the case. This means that the refrigerator door need not be swung clear (say past 90°) of the opening to remove/adjust a shelf, which is advantageous when a side of the refrigerator abuts a wall. The recess also allows the shelf to be removed with less tilt so that less space is needed above and below the shelf being removed.

Therefore, applicants respectfully submit that the cited references do not disclose the present invention, and claims 17-21 are thus believed to be allowable.

Claims 28-31 and 33

Regarding the rejections to claims 28-31 and 33, claim 28 (and its dependants) are believed not to be disclosed by the Arnold et al. patent. Claim 28 recites a floating face panel. Both inner 14 and outer 16 panels of the Arnold et al. reference are secured from movement (i.e., not floating) by the tongue and groove connections along at least portions of its periphery. The floatability of the face panel in the claimed invention allows the face panel, and thereby the overlay panel, to be easily removed and assembled to the existing door by sliding the face panel behind the retainer lip (after first removing the handle). The Arnold et al. device provides no such benefit.

Thus, claim 28 and its dependants are believed to recite allowable subject matter.

CONCLUSION AND FEES

Thus, claims 1-8, 10-25 and 27-34 are believed to now be in allowable form. Reconsideration and allowance of these claims is thus respectfully requested.

The amendments made herein not changed the total number of claims but have increased the number of independent claims by two. Authorization is hereby given to charge the \$172.00 fee (2 @ \$86.00), and any other fees deemed necessary in connection with this response, to Deposit Account 17-0055.

Respectfully submitted,

William A. Reed, et al.

By: 
Steven J. Wietrzny
Reg. No. 44,402
Attorney for Applicant
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 277-5415